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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/402,121 09/30/99 VALTANEN

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EXAMINER

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SYRES, C

ART UNIT	PAPER NUMBER
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3635

DATE MAILED:

04/11/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/402,121

Applicant(s)

VALTANEN, JARKKO

Examiner

Christy M. Syres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

This is a second office action for serial number 09/402121, entitled Joint Arrangement, filed on September 30, 1999.

Response to Amendment

In response to the examiners office action dated October 23, 2000, applicant amended claims 1, 2, 4 and 6, and added claims 7-13.

Claim Objections

Claim 8 is objected to because of the following informalities: it seems as if the word "form" in line 2 should be "from", if this is true, than appropriate correction is required.

Within claim 8, the functional recitation that, "the frame structure is formed *to receive a support projection from each of the four surface structures attached to the joint means*", and within claim 1, the functional recitations, "*..for temporary protection....for removable attachment of ..., and,for coupling of the adjacent surface structures....*," has not been given patentable weight because it is narrative in form. In order to be given patentable weight, a functional recitation must be expressed as a "means" for performing the specified function, as set forth in 35 USC § 112, 6th paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. Within claims 1, 2 and 4, it has been held that the functional "whereby" statements do not define any structures and accordingly can not serve to distinguish.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Frederiksen, US Patent # 4,807,412.

Frederiksen discloses the claimed invention a temporary ground covering with a plurality of surface structures (1) each having a substantially planar top surface (2) of thermal insulation (26) and a bottom surface from which support projections (14) extend (figure 7), a joint means (4,6,8,18,21) forming a parallelogram frame structure (figure 6) with an open center (figure 7) that receives one support projection (14) from each of the surface structures, the joint means having four locking means (6,18) projecting from and forming an essentially normal angle with a substantially planar surface (4) of the frame structure at each corner (figure 4), for interlocking with a corresponding recess (8,21) formed in a bottom surface corner of one attached surface structure (column 3, lines 43-44 and lines 60-65), the support projections (14) of each support structure lift the surface structure to form a gap between the ground surface and portions of the bottom surface not having support projections extending beneath them (column 4, lines 20-22), the height of each support projection corresponds essentially with the thickness of the frame structure (figure 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bue et al, US Patent # 6,128,881 in view of Polen, US Patent # 5,634,309.

Bue discloses the claimed invention a joint arrangement including a platform structure (56) projecting from the basic wall thickness of the surface structure (figure 3), **the joint arrangement comprises at least one joint piece (where 56 points to) with a right angled frame part (figure 3);** the joint arrangement arranged by single and square shaped platforms (where "12" points to) that are placed preferably all over the bottom surface of the surface structure (column 2, lines 25-27); two recesses (44) one after the other at each side (figure 2); both the male (36) and female (34) couplers are arranged at opposite outer edges of the surface structure (figure 2); the male couplers are arranged by projections (56) being placed at the lower edges of the longitudinal outer edges of the surface structure and correspondingly the female couplers (58) by recesses being placed at the lower edges of the crosswise outer edges (figure 1); the male and female couplers comprise and auxiliary support/sealing assembly (20) **having counterpart surfaces which** deviates essentially from the vertical direction, [preferably at an angle of 15 degrees], **the counterpart surfaces are directed to either opposite directions or to the same direction with respect to the surface structure** (figure 3);

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except for at least one essentially plastic based layer. Polen teaches that it is known in the art to provide a plastic like finish to a joint arrangement. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a plastic like finish to a joint arrangement of Polen with the joint arrangement of Bue, since it is stated in column 3, lines 25-28 that such a modification would provide a moisture barrier, increase the strength of the floor, and provide a protect the floor from damage.

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frederiksen in view of Polen.

In claims 9-13, Frederiksen discloses the claimed invention as stated above in claim 7, including the top surface is essentially square shaped (figure 6), except for the joint means has eight locking means, two at each corner of the frame structure which interlock with corresponding recess members; each surface structure has a coupling means with a side projection, male and female on the side edge of the surface structure comprising a sealing means and having counterpart surfaces forming an angle of approximately 15 degrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide eight locking means, two at each corner of the frame structure which interlock with corresponding recess members, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art, and because within the reference cited, it is already shown that the it appears the invention would perform equally well with four locking means, with

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one at each corner of the frame structure which interlock with corresponding recess members.

Polen teaches that it is known to provide each surface with a coupling means with a side projection (column 3, lines 55-60), male (27) and female (30) on the side edge of the surface structure comprising a sealing means (column 3, lines 60-62) and having counterpart surfaces (where 27 points to) forming an angle of approximately 15 degrees (see attached figure 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide each surface with a coupling means with a side projection, male and female on the side edge of the surface structure comprising a sealing means and having counterpart surfaces forming an angle of approximately 15 degrees of Polen with the temporary ground covering of Frederiksen in order to assure a tight coupling (column 3, lines 60).

Response to Arguments

Applicant's arguments filed on January 24, 2001, have been fully considered but they are not persuasive.

In response to applicants arguments with respect to claims 1-6 that the limitations are not disclosed within the reference, the examiner recognizes the argument, however, the newly added limitations within the claims have been addressed above within the claim objections, as well as the "103 Rejection" section of the office action. The newly added limitations were included within the action in bold face typing, as to show that they were considered and pointed out as cited by the reference.

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Applicant's arguments with respect to claims 7-13, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy M. Syres whose telephone number is (703) 308-9693. The examiner can normally be reached on Monday-Thursday (7:00-5:00), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Handwritten signature of CMS, with the letters 'CMS' written below it.

April 5, 2001



Handwritten signature of Carl D. Friedman.

Carl D. Friedman
Supervisory Patent Examiner
Group 3600